

Notice of Allowability

Application No.

10/066,019

Examiner

Juan A. Torres

Applicant(s)

HO ET AL.

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment After Final filed on 02/13/2006.
2. ☒ The allowed claim(s) is/are 1,3-9,19-21,25 and 26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Response to Arguments

Regarding A. Propriety of the previous Final Rejection:

Applicant's arguments filed on 02/13/2006 have been fully considered but they are not persuasive.

The Applicant contends, "MPEP 706.07(a) states that under present practice, second and any subsequent Office actions on the merits shall be final, except where the Examiner introduces a new ground of rejection that is neither necessitated by Applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c). In Applicants' previously filed amendment (mailed November 23, 2005), claim 27 was not amended. Nevertheless, the Office action presented the new grounds of rejecting claim 27 under 35 U.S.C. 112, first paragraph, as falling to comply with the written description requirement. Since the claim was not amended, it is clear that the previously tiled amendment did not necessitate the new ground of rejection. Claim 19 was previously amended, but the feature of "jitter introduced by off-chip conditions" existed prior to the amendment. Nevertheless, it is this feature which was identified in the Office action as being In noncompliance with the written description requirement. Since the new grounds for rejection was neither necessitated by ' Applicants' last amendment of the claims nor based on information submitted in an information disclosure statement. Applicants request that the finally of the Office action be removed for being premature".

The Examiner disagrees and asserts, that, as indicated in the previous Office action, "Applicant's amendment filed on 9/1/2005 necessitated the new ground(s) of

rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).". Claim 27 and claim 19 were amended on 9/1/2005 respect to the claims initial examined, that amendment (no de one "mailed on November 23, 2005" necessitated the new ground(s) of rejection. This point was review by the a Quality Assurance Specialists (QASs), that advised of the propriety of the Final Rejection. For these reasons and the reasons indicated in the previous Office action the Finality of the previous Office action is maintained.

Regarding B. Prima Facie Case of Noncompliance with the Written Description Requirement:

Applicant's arguments filed on 02/13/2006 have been fully considered and they are persuasive.

The rejection of claims 19-22 and claim 27 under 112 1st paragraph of the previous Office action are withdrawn.

Regarding C. Satisfaction of the Written Description Requirement with Regard to Claims 19-22

Applicant's arguments filed on 02/13/2006 have been fully considered and they are persuasive.

The rejection of claims 19-22 under 112 1st paragraph of the previous Office action are withdrawn.

Regarding D. Satisfaction of the Written Description Requirement with Regard to Claim 27

Applicant's arguments filed on 02/13/2006 have been fully considered and they are persuasive.

The rejection of claim 27 under 112 1st paragraph of the previous Office action is withdrawn.

Regarding E. Patentability of Amended Claim 1

Applicant's arguments filed on 02/13/2006 have been fully considered and they are persuasive.

The rejection of amended claim 1 is withdrawn.

Regarding F. Patentability of Amended Claim 19

Applicant's arguments filed on 02/13/2006 have been fully considered and they are persuasive.

The rejection of amended claim 19 is withdrawn.

Allowable Subject Matter

Claims 1, 3-9, 19-21 and 25-26 are allowed.

The following is an examiner's statement of reasons for allowance: claims 1, 3-9, 19-21 and 25-26 are allowed because the references cited fail to teach, as applicant has, a crosspoint switch integrated circuit comprising an equalization circuitry coupled to at least partially offset transmission losses experienced by a electrical signal while external to the crosspoint switch integrated circuit, the equalization circuitry being configured to measure jitter within the electrical signals and to utilize jitter measurements as a basis for offsetting the transmission losses, the equalization circuitry being responsive to said the measurements to automatically select levels of

Art Unit: 2631

equalization and recurrently execute the jitter measurements and recurrently execute responsive selection of the levels of equalization for individual input ports enabling the levels of equalization to track variations in the transmission losses; and setting equalization circuitry housed within a crosspoint switch such that each port has filtering characteristics tailored on a basis of signal characteristics for signal transmissions via each port including activating adaptive equalization circuitry, the setting being automated and being at least partially based on on-chip measurements of jitter, as the applicant has claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Li (US 20030108137 A1) discloses apparatus and method for on-chip jitter measurement, Li doesn't disclose setting equalization circuitry housed within a crosspoint switch such that each port has filtering characteristics tailored on a basis of signal characteristics for signal transmissions via each port including activating adaptive equalization circuitry, the setting being automated and being at least partially based on on-chip measurements of jitter, as the applicant has claimed.

Art Unit: 2631

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juan A. Torres whose telephone number is (571) 272-3119. The examiner can normally be reached on Monday-Friday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay K. Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Juan Alberto Torres
01-23-2006

A handwritten signature in black ink, appearing to read "J. K. Patel", with a stylized flourish at the end.

JAY K. PATEL
SUPERVISORY PATENT EXAMINER